



Town of Belleair

901 Ponce de Leon Blvd.
Belleair, FL 33756

Meeting Agenda Park & Tree Board

Tuesday, January 8, 2019

6:00 PM

Town Hall

Welcome. We are glad to have you join us. If you wish to speak, please wait to be recognized, then step to the podium and state your name and address. We also ask that you please turn-off all cell phones.

ROLL CALL

CITIZENS COMMENTS

(Discussion of items not on the agenda. Each speaker will be allowed 3 minutes to speak.)

APPROVAL OF MINUTES

[18-0343](#) Approval of November 13, 2018 Meeting Minutes

Attachments: [Minutes P&T 11-13-2018](#)

GENERAL AGENDA

[18-0351](#) Florida Friendly Yard Recognition and Award

Attachments: [FYN_Yard_Recognition_Checklist](#)

[18-0352](#) Continued discussion of Grand Tree Ordinance

Attachments: [City of Clearwater Tree Ordinance](#)

[Dunedin Tree Ordinance](#)

[Hillsborough County](#)

[18-0354](#) Construction schedule of Tackett Park

Attachments: [Tackett Park Landscape Plan](#)

[PROJECT TIMELINE 1.4.19](#)

OTHER BUSINESS

DIRECTOR'S REPORT

COMMISSION ADVISOR REPORT

ADJOURNMENT

ANY PERSON WITH A DISABILITY REQUIRING REASONABLE ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING, SHOULD CALL (727) 588-3769 OR FAX A WRITTEN REQUEST TO (727) 588-3767.



Legislation Details (With Text)

File #: 18-0343 **Version:** 1 **Name:**

Type: Minutes **Status:** Minutes Approval

File created: 12/4/2018 **In control:** Park & Tree Board

On agenda: 1/8/2019 **Final action:**

Title: Approval of November 13, 2018 Meeting Minutes

Sponsors:

Indexes:

Code sections:

Attachments: [Minutes P&T 11-13-2018](#)

Date	Ver.	Action By	Action	Result
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Town of Belleair

901 Ponce de Leon Blvd.
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Meeting Minutes Park & Tree Board

Tuesday, November 13, 2018

6:00 PM

Town Hall

Welcome. We are glad to have you join us. If you wish to speak, please wait to be recognized, then step to the podium and state your name and address. We also ask that you please turn-off all cell phones.

Meeting was called to order at 6:00 PM with Vice Chair Scott presiding. Meeting held in the Public Works break room.

ROLL CALL

Present 4 - Vice Chairman Dudley Scott, Lissa Dexter, Nancy Hartshorne, and David O'Connor

Absent 3 - Chairman Robert Bender, Amy Welch, and Kathy Gaston

CITIZENS COMMENTS

None to be heard

APPROVAL OF MINUTES

[18-0231](#) Approval of July 16, 2018 Meeting Minutes

Nancy Hartshorne moved approval of the minutes. Motion seconded by Lissa Dexter.

Aye: 4 - Vice Chairman Scott, Dexter, Hartshorne, and O'Connor

Absent: 3 - Chairman Bender, Welch, and Gaston

GENERAL AGENDA

[18-0325](#) Introduction of Mike Shumaker as Public Services Manager

Ricky Allison, Parks and Recreation Director, introduced Mike Shumaker the new Public Services Manager to the board.

Mr. Shumaker stated he was glad to be a part of the team; discussed his background and experience.

Mr. Allison stated Mr. Shumaker will be managing the park system, streets, storm water and sidewalks; will become certified as an arborist in the future; Mr. Shumaker will be working with the board.

[18-0326](#)

Update on Tackett Park Renovation Plan

Mr. Allison provided an update and overview of the Tackett Park Renovation Plan; stated there was a delay in getting the project completed; delays with Magnolia Park and other projects; Tackett Park renovation may not get completed this calendar year; completion date will be sometime the beginning of 2019; no change to the renovation plans.

Discussion ensued regarding the curved metal bench; going out to bid for general contractor; dry retention pond; next meeting date January 8th.

[18-0327](#)

Continue Discussion of Grand Tree ordinance

Mr. Allison provided the current Tree Ordinance to the board; nothing that spoke to the Grand Trees; discussed tree removal fees.

Commissioner Shelly suggested to possibly suggest to the commission the hiring of a consulting engineer to update the entire tree ordinance.

Mr. Allison stated that also included in the packet to the board was a small portion of the City of Dunedin's grand tree ordinance; reviewed Dunedin's grand tree ordinance.

Discussion ensued regarding the measuring of trees; pruning of trees; tree condition guidelines; regarding other municipalities' grand tree ordinances.

Mr. Allison asked the board to do research and review other municipalities grand tree ordinances and to provide to staff, their thoughts on what they would like to be a part of the grand tree ordinance; need to have information to staff before the next meeting in January.

[18-0328](#)

Discussion of Tree-lined street options

Mr. Allison stated that the commission had brought up the discussion of Tree-lined streets and asked the board to discuss; the tree-lined streets mentioned in the Town Charter; Four streets: Ponce de Leon, Indian Rocks Road, Rosery and Bayview; Ponce and Rosery have been removed; discussed the palms; study of Bradenton about benefits of trees versus palms; discussed the Washingtonian palms.

Discussion ensued regarding the removal of trees along Ponce de Leon and Pine east to the Round-about; replantings and replacements.

Nancy Hartshorne spoke about past discussion on the removal of trees along Ponce de Leon.

Discussion ensued regarding the replacement of the Washingtonian palms and past

history of planting of the palms.

Mr. Allison stated that the commission would like to see from the Park and Tree board a recommendation as to an alternative or to stay the same for the tree-lined streets and palms; stated the arborist side of him was that palms provided no benefit to the Eco system in which we live; spoke about the benefits of shade trees versus palms.

Commissioner Shelly stated that in order to change the Charter, a referendum was required; the Washingtonians are stated in the Charter.

Discussion ensued regarding the Washingtonians; regarding transplanting; regarding having a mixture of trees; regarding the costs; regarding utility easements; regarding pine trees.

Mr. Allison briefly discussed the benefits of shade trees; policies of taking out a dead palm tree and replacements; asked the board to do research on tree replacements and alternative for the palms and to bring forth their suggestions to the next meeting.

OTHER BUSINESS

Mr. Allison stated that the board is scheduled to meet every other month on the second Tuesday of the month; stated agenda items coming up are the Grand Tree Ordinance, the tree replacement and tree-lined streets and in the future the development of the Bluff.

Ms. Dexter discussed the Belleair Community Foundation and Park and Tree Board; encouraged residents to use more Florida friendly plants.

Commissioner Shelly spoke about the strategic plan and the facilitator for Hallett Park; encouraged the members to come to the community forums and discussions on Hallett Park.

Discussion ensued regarding providing native Floridian plants at the Spring Fest and Arbor Day celebration.

Ms. Hartshorne discussed Waterfall Park; sewage smell coming from the nature park along Bayview.

Discussion ensued regarding the County sewage lift station; sewage smell along Waterfall Park area.

Mr. Allison stated he would look into the situation.

Commissioner Shelly spoke about the current tree ordinance; stated that it might be a good idea to hire a consulting engineer to update the ordinance.

Mr. Allison stated that some municipalities have hired a consulting engineer along with a group of arborists; City of Dunedin did this; the engineer and arborists would suggest where to update and change; look at cost to having someone look at the tree ordinance;

get costs and engage some firms; will bring to board.

DIRECTOR'S REPORT

Ricky Allison encouraged the board to get involved with the strategic planning process and to go to the community forums; the first meeting will be on November 28th.

COMMISSION ADVISOR REPORT

Commissioner Shelly stated that USF Institute of Government will be the facilitator at the Hallett Park community-wide conversation.

ADJOURNMENT

Meeting was adjourned in due form at 7:00 PM.

Nancy Hartshorne moved to adjourn the meeting. Motion Seconded by Lissa Dexter.

Aye: 4 - Vice Chairman Scott, Dexter, Hartshorne, and O'Connor

APPROVED:

Vice Chairman



Legislation Details (With Text)

File #: 18-0351 **Version:** 1 **Name:**
Type: Discussion Items **Status:** General Agenda
File created: 1/4/2019 **In control:** Park & Tree Board
On agenda: 1/8/2019 **Final action:**
Title: Florida Friendly Yard Recognition and Award
Sponsors:
Indexes:
Code sections:
Attachments: [FYN_Yard_Recognition_Checklist](#)

Date	Ver.	Action By	Action	Result
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Summary

To: Park and Tree Board Members
From: Ricky Allison, Recreation and Public Works Director
Date: 1/8/2019

Subject:
Florida Friendly Yard Recognition and Award

Summary:

The Park and Tree Board would like to begin a formal process for the recognition of homeowners who have taken the environmentally conscious act of making their yards Florida Friendly. This combines the efforts of using native plants, conserving water and protecting water quality. Included in this packet are the standards provided by the University of Florida to recognize those yards meeting Silver or Gold recognition.

Previous Commission Action: N/A

Background/Problem Discussion: Due to the large amount of water that surrounds Florida and the dense populations in and around urban areas there is a major concern for water quality caused by the runoff of chemicals used in the fertilization and treatment of grass lawns. The University of Florida has taken steps in showing home owners how they can do their part in mitigating the impacts of fertilizers and chemicals on our surrounding waterways.

Expenditure Challenges N/A

Financial Implications: N/A

Recommendation: To formalize process to recognize Florida Friendly landscapes within the Town.

Proposed Motion None needed at this time

FFL Home Landscape Recognition Checklist

By recognizing specific landscapes as Florida-Friendly, the Florida Yards & Neighborhoods (FYN) branch of the Florida-Friendly Landscaping™ (FFL) Program honors clients' efforts to conserve water and protect water quality and other natural resources. A Landscape Advisor should use this checklist to evaluate existing landscapes, referring to *The Florida-Friendly Landscaping™ Landscape Advisor's Manual* if necessary. Page numbers in the right-hand column of this checklist refer to the FYN Handbook, 5th edition, *The Florida Yards & Neighborhoods Handbook (2015)*. New construction, governmental and institutional properties are evaluated with separate checklists that can be found at <http://ffl.ifas.ufl.edu/homeowners/recognitions.htm>.

To maintain the integrity of the FYN program and to ensure that FYN Landscape Recognitions have a positive environmental impact, landscape evaluations must be as thorough and accurate as possible. However, the landscape evaluation process should always be a positive, educational, and enjoyable experience for all clients. Focus should be on the educational aspects of the landscape evaluation process, rather than on the recognition itself.

Client Information:

Name: _____ Phone: _____
Address: _____ City: _____ Zip: _____
County: _____ Email: _____ Date: _____

Do you employ a lawn service? Company name _____

Check all that apply:

☐ Mowing ☐ Weed Control ☐ Fertilizer ☐ Pruning ☐ Landscape Beds ☐ Pest Control

In order for a landscape to be considered for recognition it must contain landscape plants. Landscapes made up entirely of rock, mulch, shell, artificial turf, or other similar materials are not considered Florida-Friendly and are not eligible for recognition.

There are two recognition levels available, Silver and Gold.

For silver level recognition, a landscape must meet all required practices and achieve (2) First Tier, (3) Second Tier and (3) Third Tier practices. If the landscape has an in-ground irrigation system, (2) Irrigation practices must also be met. If the site is on a waterfront practice (1) practice must be met.

For gold level recognition, a landscape must meet all required practices plus the additional gold level practices. The landscape must achieve (3) First Tier, (5) Second Tier and (5) Third Tier practices. If the landscape has an in-ground irrigation system, (3) Irrigation practices must also be met. If the site is on a waterfront practices (2) practices must be met.

Required Practices for Silver (Check or indicate N/A)

The following practices, when applicable to the landscape being evaluated, are required for Silver level recognition:

- ☐ Client certifies that landscape complies with all codes, laws, ordinances, and HOA rules (if applicable).
- ☐ Landscape does not contain any plants found on the current UF/IFAS Assessment “Prohibited” list. (<http://assessment.ifas.ufl.edu/assessments/?types=24208>). (p. 9)
- ☐ Most plants are placed in landscape locations that match their requirements for water, light, soil condition, wind tolerance, salt tolerance, mature size, etc.
- ☐ Landscape contains at least 10 plant species.
- ☐ At least 25% of the landscape must contain planted (in ground) beds.
- ☐ Spilled fertilizer is collected and disposed of properly. (p. 24)
- ☐ If fertilizer is used, it is not applied when heavy rain is forecast in the next 24 hours. (p. 24)
- ☐ If fertilizer is used, it is applied to turfgrass and landscape beds at less than or equal to the UF/IFAS-recommended rate. (pp. 26-28)
- ☐ A 2”-3” layer of one of the mulches recommended in the FYN Handbook, is maintained in plant beds as appropriate. (p.30)
- ☐ Volcano mulching is not practiced on site. (30)
- ☐ If the property is located on a waterfront: a low-maintenance zone of at least 10 ft. has been established around the water body. No grass clippings, pesticides, fertilizer, or irrigation water is applied in this zone. (p. 46)
- ☐ If pesticides are used: only affected plants and turf areas are treated with pesticide applications (spot treatments). (p. 34)

If an irrigation system is present:

- ☐ Irrigation system is calibrated to apply 1/2” to 3/4” of water per application. (p. 18)
- ☐ A functioning automatic rainfall shutoff device is maintained on in-ground irrigation systems. (p. 20)

Required Practices for Silver, cont. (Check or indicate N/A)

If turfgrass is present:

- ☐ Turf is mowed at the UF/IFAS-recommended height for the grass species. (p. 13)
- ☐ Grass clippings are left on the lawn after mowing. (pp. 14 & 39)
- ☐ Fertilizer is only applied when grass is actively growing. (p. 24)
- ☐ “Weed and Feed” products containing herbicide and fertilizer together are not used. (p. 24)

Aesthetics:

- ☐ Appropriate pruning practices are utilized.
- ☐ There are defined and maintained (routinely weeded) landscape beds.
- ☐ Landscape and household debris are properly disposed of or recycled.

Required Practices for Gold

Gold Level Prerequisites: Landscape must meet these 7 required practices in addition to everything listed above to achieve Gold status. (If the landscape has no in-ground irrigation system, credit can be given for satisfying the irrigation practices.)

- ☐ Landscape does not contain any plants found on the current UF/IFAS Assessment “Invasive” list (<http://assessment.ifas.ufl.edu/assessments/?types=1080,1074,24208>) (p. 9)
- ☐ Landscape contains at least 15 plant species.
- ☐ All plants are placed in landscape locations that match their requirements for water, light, soil condition, wind tolerance, salt tolerance, mature size, etc.
- ☐ 100% of roof runoff (with or without downspouts) drains onto lawn or landscaped areas, pervious surfaces, drainage swale, or is harvested in rain barrels or rain garden. (pp. 43-44)
- ☐ Not more than 50% of the irrigation system (by area) is high-volume.
- ☐ Spray and rotor heads are installed on separate zones. (This does not include retrofit.)
- ☐ Low-flow irrigation is installed and maintained in plant and flower beds.

Tiered Practices

For silver level recognition, a landscape must meet all required practices and achieve (2) First Tier, (5) Second Tier and (3) Third Tier practices. If the landscape has an in-ground irrigation system, (2) Irrigation practices must also be met. If the site is on a waterfront (1) practice must be met.

For gold level recognition, a landscape must meet all required practices plus the additional gold level practices. The landscape must achieve (3) First Tier, (6) Second Tier and (5) Third Tier practices. If the landscape has an in-ground irrigation system, (3) Irrigation practices must also be met. If the site is on a waterfront (2) practices must be met.

First Tier: (2 for silver, 3 for gold)

- ☐ Trees and shrubs are positioned to improve the building's heating and cooling capacity if space allows. (p.5)
- ☐ Rain gardens, swales, and berms are used to catch and filter stormwater runoff. (pp. 43-44)
- ☐ Maintained turfgrass is used for functional purposes (e.g., play area, erosion control, and nutrient uptake). Credit given if no turfgrass on site.
- ☐ At least 25% of hardscape surfaces are made of porous materials.
- ☐ Main leaders of all shrubs are at least 3' away from the foundation of house.
- ☐ Trees are located appropriate distance from the foundation of house based on mature size.
- ☐ Erosion prone areas are managed to minimize erosion.
- ☐ Shrubs and groundcovers are used where grass is difficult to maintain. (p. 6, 8)

Second Tier: (5 for silver, 6 for gold)

- ☐ Compost pile or worm bin is installed or community compost bin is available for use. (pp. 40-41)
- ☐ There is plant material that provides habitat, shelter and/or food sources for wildlife. (pp. 31-32)
- ☐ Host and nectar plants are present for butterflies, hummingbirds and/or other pollinators. (pp. 31-32)
- ☐ A water source for wildlife exists in the landscape. (pp. 31-32)
- ☐ Wildlife shelters exist and maintained in landscape (e.g., bird or bat houses, snags, brush piles, etc.).
- ☐ Landscape waste (tree trimmings, fallen leaves, pine needles) is used on site and/or properly composted or placed at curb for horticulture recycling.
- ☐ A cistern, rain barrel or other water harvesting practice is used with proper mosquito prevention techniques in place. (p.44)
- ☐ A soil pH test has been performed within the last year.
- ☐ Mulch is pulled away (12"-18") from the base of trees. (p. 29)
- ☐ Mulch is pulled away (1"-2") from shrubs.
- ☐ Cypress mulch is not used.

Third Tier: (3 for silver, 5 for gold) (If the client does not use fertilizers nor pesticides, credit can be given for gold level for this tier.)

- ☐ A soil nutrient test has been performed within the last year.
- ☐ No supplemental fertilization is used in the landscape once plants are established.
- ☐ A broadcast spreader with an operational deflector shield is used to apply fertilizer, or fertilizer is applied by hand. (p. 24)
- ☐ Landscape is checked every 1-2 weeks for signs of pest damage.
- ☐ Low-impact techniques are used for insect and disease management whenever possible. (p. 34)
- ☐ Pollutants such as pet waste and car oils are cleaned up so that they do not end up in storm drains. (p. 43)
- ☐ 50% or more of roof runoff (with or without downspouts) drains onto landscaped areas or pervious surfaces. (p. 43)

Irrigation Tier: (2 for silver, 3 for gold) (If the landscape has no in-ground system, credit can be given for satisfying this tier.)

- ☐ Not more than 50% of the irrigation system (by area) is high-volume.
- ☐ Turfgrass and landscape plants are irrigated only as needed (in compliance with any existing watering restrictions).
- ☐ A smart controller (evapotranspiration, soil moisture sensor, or similar) is installed and operational. (p.20)
- ☐ Separate irrigation zones for turf and landscape plants are maintained.
- ☐ Low-flow irrigation is installed and maintained in plant and flower beds. (pp. 19-20)
- ☐ The irrigation system is maintained regularly to repair clogs and leaks.

Waterfront Tier: (1 for silver, 2 for gold) (If site is not on the waterfront, credit can be given for satisfying all practices)

- ☐ Shoreline (riparian zone and littoral zones) is kept free of invasive exotic plant material. (p. 45)
- ☐ Seawalls, rip rap, or gabions are used where appropriate to control erosion. (p. 45)
- ☐ Plant material is located to provide at least a 10' low-maintenance zone to buffer, filter and prevent erosion. (p. 46)

Notes:

Previous Review date (if applicable):

Review Team Members Present:

Is the applicant a Master Gardener?

Was a landscape sign issued?

Date certificate with cover letter issued:

With permission, could the FFL program use the yard for training purposes?

What phone numbers can you be reached at?

Photos were taken?

Reviewed by Extension staff member and date:

Required Practices Met: _____ **Silver** _____ **Gold** _____ **No**

First Tier Practices Met: _____

Second Tier Practices Met: _____

Third Tier Practices Met: _____

Irrigation Practices Met: _____

Waterfront Tier Practices Met: _____

Recognition Level Awarded: _____ **Silver** _____ **Gold** _____ **None**



Legislation Details (With Text)

File #: 18-0352 **Version:** 1 **Name:**
Type: Discussion Items **Status:** General Agenda
File created: 1/4/2019 **In control:** Park & Tree Board
On agenda: 1/8/2019 **Final action:**
Title: Continued discussion of Grand Tree Ordinance
Sponsors:
Indexes:
Code sections:
Attachments: [City of Clearwater Tree Ordinance](#)
[Dunedin Tree Ordinance](#)
[Hillsborough County](#)

Date	Ver.	Action By	Action	Result
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Summary

To: Park and Tree Board Members
From: Ricky Allison, Recreation and Public Works Director
Date: 1/8/2019

Subject:

Continued discussion of Grand Tree Ordinance

Summary:

The Town lacks an ordinance to protect the trees of significant value. These trees are usually identified as Grand Trees and have more stringent protections beyond that of other trees.

Previous Commission Action: In November the Park and Tree Board discussed the need for a Grand Tree Ordinance and agreed to conduct research and discuss various example ordinance at the next meeting.

Background/Problem Discussion: Within the Town of Belleair there are numerous trees that are of such age and condition that they provide a great value to the town in both an ecologic and aesthetic sense. These trees are normally labeled as Grand Trees by other municipalities and carry much more strict policies toward their care and/or removal

Expenditure Challenges N/A

Financial Implications: Additional code that limits tree removals would impact the Tree Mitigation fund currently used by the Town to plant or maintain the urban canopy.

Recommendation: The Park and Tree Board needs to have consensus on what elements of code to include and enlist a consulting arborist to craft new ordinances for Grand Trees.

Proposed Motion N/A

City of Clearwater Tree Ordinance

Section 3-1205. - Tree protection.

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

A.

Removal permit - Required. No person may remove or cause to be removed any protected tree or any palm with a ten-foot clear and straight trunk without first having procured a permit as provided in [Article 4](#), Division 12, with the noted exception of all citrus species of trees which do not require a permit for removal.

B.

Criteria for issuance of a removal permit.

1.

No permit shall be granted for the removal of a specimen or historic tree.

2.

In determining whether or not a required removal permit shall be granted, the community development coordinator shall consider the following:

a.

The condition and location of the protected tree, specimen tree stand, or palm with respect to species, tree structure, competition, disease, insect attack, danger of falling, proximity to existing or proposed structures and interference with utility services.

b.

Protected trees, specimen tree stands, and palms shall be preserved to the maximum extent possible and reasonable flexibility in the design of permitted uses shall be granted, within the parameters of the zoning district within which the property is located, in order to ensure such preservation.

c.

Whether protected trees or palms can be successfully relocated on-site in order to accommodate the proposed development.

d.

If a protected tree or palm must be removed in order to permit an economic use of the property which would otherwise be permitted, the applicant must give the city a reasonable opportunity to relocate the tree to another site in accordance with the provisions of [Section 3-1205](#)(C) and replace protected trees on-site in accordance with the provisions of [Section 3-1205](#)(D) or pay into the city's tree bank for every protected tree that is removed in accordance with the provisions in [Section 3-1205](#)(D).

3.

Expiration. Tree removal permits shall be valid for a period of six months from the date of issuance. Extensions may be granted by the community development coordinator or designee for good cause.

C.

Relocation by city or county. The applicant for a tree removal permit may authorize the city to enter upon the property and remove a tree or palm at the city's expense prior to the owner's proposed removal, if in the opinion of the city manager, such tree is of sufficient value to warrant relocation by the city. The city manager, in deciding

whether to accept or reject such a donation, shall consider the tree's physical condition, health or other circumstances, such as potential damage to utility lines, that may be anticipated to occur during such relocation as well as the city's need for the proposed donation. Such donated trees will be utilized for landscaping on public lands or as otherwise determined by the city manager.

D.

Tree and palm requirements and replacements. Tree and palm replacements shall be in compliance with Section 3-1202.B. and the following:

1.

Attached dwellings and non-residential properties. The total amount of DBH removed from a multi-family or non-residential site shall be replaced on an inch-for-inch basis.

2.

Single-family detached dwelling and two-family attached dwelling properties. The total amount of DBH removed from single-family detached dwelling or two-family attached dwelling properties (e.g. lot, subdivision) shall be replaced on an inch-for-inch basis, or such deficit shall be met by paying a fee of \$48.00 per inch of DBH to the tree bank. However, the number of trees on single-family detached dwelling or two-family attached dwelling properties (e.g. lot, subdivision) shall not be less than as follows unless otherwise determined by the Community Development Coordinator to be unfeasible or physically impossible:

Required Number of Trees on Single-Family and Two-Family Lots	
Lot Size (square footage)	Number of Required Trees
Less than 5,000	2
5,000—10,000	4
10,001—15,000	6
Over 15,001	8

3.

When the community development coordinator determines that there is not sufficient space available to replace the equivalent of all protected trees on-site in accordance with these requirements, the remaining DBH deficit shall be met by paying a fee of \$48.00 per inch of DBH to the tree bank. The community development coordinator may determine that certain protected trees are not required to be replaced based on certain criteria, including but not limited to, species, health, hazards, or other conditions.

4.

Monies paid to the tree bank in this manner shall be used for tree planting projects on public lands within the city and for other urban forestry enhancement projects designated by the city manager.

5.

Conditions and specifications.

a.

Characteristics. The replacement trees shall have at least equal shade potential, screening properties and other characteristics comparable to those of the trees for which a removal request has been submitted. The specific locations and design of required replacement trees shall be in accordance with proper urban forestry practices and as approved by the city manager.

b.

Size. Replacement trees shall be in compliance with the size and quality standards set forth in Section 3-1202.B.1.

c.

Species. The city may require that the species of the replacement trees be the same as those for which removal is being requested, or may require such replacement trees to be of a species native to the West Central Florida area. Exotic, "naturalized" trees or palms may be used to meet replacement requirements only with the consent of the city manager.

d.

Native understory plant and enhanced tree protection credit. Native vegetation such as ground cover, shrubs and small trees growing as understory plants to large shade trees are often critical to the survival of a tree that is to remain after development. Therefore, to promote the survival of protected trees after construction, the city manager may reduce the total tree replacement requirements by ten percent if native understory vegetation is allowed to remain within allotted green areas around the subject trees and/or enhanced tree protection methods are utilized such as chain link fence barricades, root aeration systems, cabling and bracing, mulching, fertilization and water during construction activities. The city manager may allow such reduction only upon a determination that the understory vegetation contains valuable native plants that are desirable in an urban environment, and will significantly enhance the subject trees' chance of survival. Native vegetation utilized to meet tree replacement requirements will be noted on an approved site plan by size, species and total area covered. In addition, the native plant material will be maintained in a healthy growing condition, and replaced by comparable plants approved by the city manager should the plants decline.

e.

Credit for required landscaping. Any landscaping required to be installed by [Section 3-1202](#) or [3-1203](#) may be used as credit against tree replacement requirements.

f.

Credit for undeveloped multi-family and commercial property. Twenty-five percent of the DBH of the trees existing on an undeveloped property zoned MHDR, HDR, or any commercially designated property shall be permitted to be removed with no requirements for tree replacements. This removal allowance may be used only one time on any particular site.

g.

Waiver of replacement trees' specifications. The community development director may waive the characteristics, or species, of the replacement trees only if the applicant for development approval demonstrates to the community development coordinator that such size is not readily available in the market area and that the proposed landscaping treatment with replacement trees is equal to or superior to the landscaping which would have been provided with the larger trees.

h.

Waiver of replacement requirements for public utilities projects. The community development coordinator may exempt the city from the **tree** replacement requirements solely for public utilities projects.

E.

Protective barrier requirements and protection during construction activities.

1.

A protective barrier shall be place around all protected **trees** prior to land preparation or construction activities according to the following:

a.

At or greater than the full dripline of all species of mangroves and sabal palm **trees**;

b.

At or greater than the full dripline of all protective native pine **trees** and other conifer **tree** species;

c.

At or greater than two-thirds of the dripline of all other protected species;

d.

At or greater than the full dripline of **trees** within a specimen **tree** stand.

2.

Protective barriers are to be constructed using no less than two-inch by two-inch lumber of upright posts. Upright posts are to be at least four feet in length with a minimum of one foot anchored in ground and three feet above ground. Upright posts are to be placed at a maximum distance of eight feet apart. Horizontal rails are to be constructed using no less than one inch by four inch lumber and shall be securely attached to the top of the upright post. The community development coordinator must approve any variation from the above requirements.

3.

Whenever a protective barrier is required, it shall remain in place until all construction activity is terminated. The area within the barrier limits shall remain undisturbed by any activity during construction. Native ground cover and understory vegetation existing within the barriers shall remain throughout construction. Exotic plant species may be removed providing written consent is obtained from the community development coordinator. Plant species removed with the consent of the coordinator may be removed only by manual labor utilizing hand tools or by other approved methods.

4.

Prior to the erection of any required protective barrier, all surface foreign material, trash or debris shall be removed from the area to be enclosed by the barrier, and after erection of the barrier no such material or litter shall be permitted to remain within the protected area. No equipment, chemicals, soil deposits or construction materials shall be placed within such protective barriers.

5.

Large areas on a development site, where land preparation and construction activities will not occur, or where heavy machinery will not venture, shall not require protective barriers as otherwise required by [Section 3-1205\(E\)\(1\)](#) above. Such areas shall be delineated at the point of interface, using a woven fabric ribbon or other materials approved by the community development coordinator. Approved materials shall be attached to two-inch by two-inch upright posts. Upright posts shall be made of wood or other suitable material approved by the community development coordinator, be at least four inches in height and be spaced no more than 50 feet apart.

No ropes or ribbons shall be attached to any protected **tree**. The community development coordinator shall make the final determination as to the location of the protective barrier.

6.

No signs, building permits, wires or other attachments of any kind shall be attached to any protected **tree** or palm. Guy wires designed to protect **trees** are excluded, however, from this prohibition.

7.

At all times, due care shall be taken to protect the critical root zone of **trees** protected by this section, and root pruning requirements shall apply to such **trees**.

F.

*Proper **tree** care; prohibited **tree** pruning.*

1.

When construction activities affect protected **trees** so that the critical root zone is disturbed, or when pruning must be performed on a **tree's** crown, adherence to the following arboricultural techniques is required:

a.

When the critical root zone will be disturbed, affected roots must be severed by clean pruning cuts at the point where construction impacts the roots. Roots can be pruned by utilizing trenching equipment designed for this purpose or by hand digging a trench and pruning roots with a pruning saw, chain saw or other equipment designed for **tree** pruning. Roots located within the critical root zone that will be impacted by construction must be pruned to a depth of 18 inches below the existing grade or to the depth of disturbance if less than 18 inches from the existing grade. When underground utility lines are to be installed within the critical root zone, the root pruning requirements may be waived if the lines are installed via tunneling or directional boring as opposed to open trenching.

b.

When pruning lateral branches of protected **trees**, the proper pruning techniques as described herein, must be followed. Flush cuts (pruning cuts that remove the branch collar) and stub cuts (cuts that leave a stub on the **tree**) are improper pruning techniques. Any **tree** that has been improperly pruned will not be recognized as a **tree** left on the property in a healthy growing condition; and therefore will not be utilized to meet **tree** replacement requirements.

2.

It shall be unlawful to remove from a protected **tree** more than 30 percent of a **tree's** foliage during a period of one year.

3.

It shall be unlawful to perform the techniques of topping or other pruning techniques that remove the vertical leader stems of protected **trees** except to the extent permitted by this section.

4.

When **trees** must be topped, such as in instances where there is interference with overhead wires or nearby structures, a **tree** removal permit shall first be obtained. The community development coordinator will determine if the **tree** can tolerate the necessary pruning, or if the **tree** should be removed. The community development coordinator will indicate on the permit that the removal of the **tree** will be permitted, or will modify the permit to allow the necessary pruning, or may deny the permit.

5.

When determining whether more than the allowed 30 percent of a tree's crown has been pruned, the community development coordinator shall use the following information to make a decision:

- a.
The quantity and diameter of vertical stems pruned;
- b.
Typical crown characteristics of the affected tree species;
- c.
Aerial photographs or other recent photographs that would indicate the tree's appearance prior to pruning;
- d.
Testimonials from eyewitnesses as to the tree's former appearance;
- e.
Remains of foliage debris on the site.

6.
Based on the above information, a written report shall be prepared citing all evidence used to support the claim of violation. The violation shall be treated as an illegal tree removal and process accordingly.

G.
Protection of tree trunks. It shall be unlawful to use tree spikes or other devices that damage tree trunk tissue of protected trees.

(Ord. No. 6417-99, § 8, 8-19-99; Ord. No. 6526-00, § 1, 6-15-00; Ord. No. 6928-02, §§ 56—60, 5-2-02; Ord. No. 7835-07, § 16, 1-17-08; Ord. No. 8349-12, § 32, 9-6-12; Ord. No. 8654-15, § 21, 2-5-15)

City of Dunedin Tree Ordinance

- 105.35.5 - Grand Trees

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To achieve the designation of a Grand Tree, a tree must meet the following qualifications:

(A)

Species and Size: The following tree species with the minimum trunk diameters shown in *Table 105-35.5* shall be considered for Grand Tree status. Trunk diameter is measured at 4.5' above grade. If the tree produces a fork below 4.5' above the grade, the trunk diameter will be a composite of each section of trunk.

(B)

Condition: To achieve Grand Tree status a tree must have an overall condition rating of at least 4.0 based on the criteria and rating system for Grand Trees as defined in the City of Dunedin Tree Condition Rating Guidelines and the Tree Evaluation Form For Overall Condition rating, as provided by the Parks Division.

Table 105-35.1

Species	Minimum Trunk Diameter
American elm (<i>Ulmus Americana</i>)	30" DBH
Bald cypress (<i>Taxodium distichum</i>)	28" DBH
Laurel oak (<i>Quercus hemispherica</i>)	36" DBH
Live oak (<i>Quercus virginiana</i>)	36" DBH
Longleaf pine (<i>Pinus palustris</i>)	28" DBH
Pignut hickory (<i>Carya glabra</i>)	28" DBH
Pond cypress (<i>Taxodium ascendens</i>)	28" DBH

Species	Minimum Trunk Diameter
Sand live oak (<i>Quercus geminata</i>)	30" DBH
Slash pine (<i>Pinus elliottii</i>) Including variety 'Densa'	28" DBH
Southern magnolia (<i>Magnolia grandiflora</i>)	28" DBH
Southern red cedar (<i>Juniperus silicicola</i>)	28" DBH
Swamp laurel oak (<i>Quercus laurifolia</i>)	36" DBH
Sweetbay (<i>Magnolia virginiana</i>)	28" DBH

(Ord. No. [15-31](#), § 1, 1-7-2016)

[105-35.4 - Protected Trees](#)[105.35.5 - Grand Trees](#)

Sec. 166-57. - Tree bank fund.

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(a)

Creation; purpose. There is hereby created the county tree bank fund for the purpose of:

(1)

Acquiring, protecting, and maintaining native vegetative communities in the county;

(2)

Acquiring, protecting, and maintaining land for the placement of trees acquired pursuant to this section;

(3)

Purchasing vegetation for placement on public properties in the county and their maintenance; and

(4)

Mitigating the impact of any damage from violations of this article.

(b)

Maintenance of fund. Moneys of the tree bank fund may be used as a matching fund contribution towards the acquisition of native vegetative communities in the county in association with other public land acquisition

programs. Such tree bank fund shall be kept, maintained and identified by the board of county commissioners solely for the purposes set forth in this section. The county finance director is hereby authorized to establish the tree bank fund and to receive and disburse moneys in accordance with the provisions of this section.

(c)

Source of moneys. The tree bank fund shall consist of the following moneys:

(1)

All moneys collected by the county administrator pursuant to the provisions of this article

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Secs. 166-2—166-35. - Reserved.ARTICLE III. - MANAGEMENT AND STORAGE OF SURFACE WATERS

• ARTICLE II. - HABITAT MANAGEMENT AND LANDSCAPING^[2]

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• DIVISION 1. - GENERALLY

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• Sec. 166-36. - Definitions.

Unless specifically defined in this section, words or phrases used in this article shall be interpreted so as to give them the meanings they have in common usage and to give this article its most effective application, in consideration of its stated intent.

Adverse impact means any direct or indirect action likely to cause, or actually causing, a measurable decline in the stability, natural function, or natural diversity of a natural resource or system; or in the quiet, peaceful, safe, or healthful use or occupancy of any property.

Approved species list means a list of **tree** species approved as replant or landscape **trees** and which is available from the department.

Caliper means trunk diameter measured six inches above the soil line.

Compensation means measures provided to offset adverse impacts to wetlands, including one or more of the following:

- (1) Mitigation;
- (2) Inclusion of upland areas, beyond any required buffer zones, to maintain upland/wetland habitat diversity;
- (3) Establishment of vegetated littoral zones in on-site open water bodies;
- (4) Restoration of wetlands that have been previously impacted;
- (5) Compensation on off-site lands; and
- (6) Other reasonable measures, such as providing unlike wetland habitat.

County administrator means the county administrator for the County of Pinellas, or his designee.

Department means the county administrator or his authorized designee.

Developer means any person who engages in development either as the owner or as the agent of an owner of property.

Development or development activity means:

- (1) The construction, installation, alteration, demolition or removal of a structure or an impervious surface.
- (2) Clearing, scraping, grubbing or otherwise removing, altering or destroying the vegetation of a site.
- (3)

Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise significantly disturbing the soils or altering the natural topographic elevations of the site.

(4)

The maintenance of a lawn and its ancillary vegetation, excluding uplands as required in sections [166-50](#) and [166-51](#), is exempted.

Diameter breast height (dbh) means the diameter, in inches, of a **tree** measured at 4½ feet above the natural grade. The diameter of multiple trunks shall be added together for this measurement.

Dripline means an imaginary, perpendicular line that extends downward from the outermost tips of the **tree** branches to the ground.

Effectively remove means to trim or prune to the extent that a plant's natural function is severely altered.

Endangered, threatened or species of special concern means the list of plant and animal species as defined pursuant to rules 39-27.003—.005, Florida Administrative Code, or 50 CFR 17.11-12, or F.S. § 581.185.

Ground cover means low-growing plants, other than deciduous varieties, installed to form a continuous cover over the ground.

Grubbing means the effective removal of understory vegetation such as, but not limited to, palmetto from the site. As herein defined, no **tree** four inches dbh or greater shall be removed.

Hedge. Hedges are self-supporting, woody, evergreen species and shall be a minimum of 24 inches in height when measured immediately after planting. Hedges, where required, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen. Spacing of plants shall be no more than 2½ to three feet on center, depending on species.

Historic tree means a **tree** which has been found by a professional forester, horticulturist, or other suitable professional to be of notable historic interest to the county because of its age, type, size, or historic association and has been so designated and that designation has been officially made and promulgated as part of the official records of the county.

Isolated wetland means any wetland as defined in this article which is not contiguous with the waters of the state as defined in the Florida Administrative Code.

Landscape tree means a **tree** from the approved species list which is a minimum 1½-inch caliper and six feet tall at time of planting, unless approved otherwise by the county administrator, and is a state department of agricultural nursery grade no. 1 or better.

Mangrove means any rooted **trees** or seedlings, of any size, including the following species: White mangrove (*laguncularia racemosa*), red mangrove (*rhizophora mangle*), black mangrove (*avicennia germinans*), and buttonwood (*conocarpus erectus*). This definition is to include all subspecies and varieties of the listed species as well as their synonyms.

Mitigation means replacement of a wetland, type for type, to restore those specific physical and functional characteristics which will be lost as a result of the proposed activity.

Native vegetative communities means those plant communities naturally occurring in the county. Native vegetative communities shall include but not be limited to sandhill, xeric hammock, upland hardwood forest, pine flatwoods, sand pine scrub and wetlands. These communities are described as follows:

(1)

Upland:

a.

Sandhill: Deep sand substrate; xeric; vegetation characterized by longleaf pine, turkey oak or bluejack oak with wiregrass understory.

b.

Xeric hammock: Deep sand substrate; xeric; vegetation characterized by sand live oak or Chapman's oak.

c.

Upland hardwood forest: Rich sandy substrate; best developed where limestone or phosphate outcrops occur; mesic; rare or no fire; vegetation may be characterized by magnolia, pignut hickory, laurel oak and other hardwoods. Species composition varies. A major variation of this vegetative association includes live oak-cabbage palm hammock.

d.

Pine flatwoods: Flat topography; sand substrate with an organic hardpan; vegetation characterized by slash pine or longleaf pine, Chapman's oak, and myrtle oak or wax myrtle with a midstory of saw palmetto, gallberry or wiregrass understory.

e.

Sand pine scrub: Upland plant communities found on relict dunes or present and former shorelines where the soil is composed of any well-drained, sterile sands. The community is composed of two layers with sand pine occupying the top layer and various scrub oaks and shrub species creating a thick understory. The understory typically includes myrtle oak, Chapman's oak, sand live oak, rosemary or lyonia.

(2)

Wetland means all those waters, fresh and saline, or areas which are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation specifically adapted to life in saturated conditions. The methodology for determining the limits of the landward extent of wetlands shall be consistent with that currently employed by the state, which includes vegetative indicators, soil type indicators and hydrology. Such wetland vegetative indicators shall be those species listed in the Florida Administrative Code. Wetlands include, but are not limited to, rivers, lakes, streams, springs, impoundments, swamps, hydric hammocks, marshes, bogs, sinkholes, estuaries, sloughs, cypress heads, mangrove forests, bayheads, bayous, bays, and open marine waters whether on private or public lands and whether they are manmade or natural. Wetlands shall not include stormwater retention ponds.

Open space means the pervious area of a site with soils sufficient to promote healthy plant growth.

Parcel means the area of land or water owned by an applicant which is the subject matter of an application under this article.

Person means any landowner, lessee, building contractor, developer or other entity involved in the use of real property, including agents, employees, independent contractors or others in privity with any of the above, whether natural persons, corporations, partnerships, joint adventures, governmental bodies, agencies or officials.

Plant material means plants which conform to the standards for Florida No. 1, or better, as given in the existing Grade and Standards for Nursery Plants, State of Florida, Department of Agriculture, Tallahassee, or equal thereto at the time of purchase of plant material.

Preliminary land clearing means those operations where **trees** and vegetation are removed within designated road rights-of-way, drainage and utility areas as depicted on a preliminary site plan and which occur previous to the construction of buildings.

Protective barrier means a physical structure limiting access to a protected area, composed of wooden and/or other suitable materials, which assures compliance with the intent of this article. Diagrams of suitable protective barriers shall be available from the department. Options and/or variations of these methods may be permitted upon written request if they satisfy the intent of this article.

Remove or removal means the actual removal of vegetation by digging up or cutting down, or damage of the vegetation or alteration of a site through the application of herbicides or other chemical agents.

Replant tree means a **tree** from the approved species list which is a minimum 1½-inch caliper and six feet tall at time of planting unless approved otherwise by the county administrator and is a state department of agricultural nursery grade no. 1 or better.

Site means any lot, plot, parcel or area of land or water.

Site plan means a graphically drawn plan view of a site which shows all proposed or existing manmade improvements and which includes buildings, parking areas, utility lines, drives, roads, topographic changes, and natural features.

Specimen tree means:

(1)

Any **tree** in fair or better condition which equals or exceeds the following diameter sizes:

a.

Large hardwoods, e.g., oaks, hickories, sweetgums, gum, etc., 36 inches dbh.

b.

Large softwoods, e.g., pines, cypress, cedars, etc., 20 inches dbh.

(2)

A **tree** in fair or better condition must meet the following minimum standards:

a.

A life expectancy of greater than 15 years.

b.

A relatively sound and solid trunk with no extensive decay or hollow, and less than 20 percent radial trunk dieback.

c.

No more than one major and several minor dead limbs (hardwoods only).

d.

No major insect or pathological problem.

(3)

A lesser sized **tree** can be considered a specimen if it is a rare or unusual species, of exceptional quality, or of historical significance.

(4)

A lesser size **tree** can be considered a specimen if it is specifically used by a builder, developer, or design professional as a focal point in a project of landscape.

*Specimen **tree** stands* means a contiguous grouping of **trees** which has been determined to be of high aesthetic or ecological value by the judgment of a professional forester, horticulturalist, or other suitable professional. Determination is based upon the following criteria:

(1)

A relatively mature even-aged stand; and

(2)

A stand with purity of species composition or of a rare or unusual nature; or

(3)

A stand of historical significance; or

(4)

A stand with exceptional aesthetic quality; or

(5)

A stand which provides wildlife habitat diversity which is important for species existence.

Structure means anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground, including a mobile home.

Transplant means the digging up of a **tree** from one place on a site and the planting of the same **tree** in another location.

Tree means any self-supporting, woody plant which normally grows to an overall height of at least 15 feet in the county. All mangroves regardless of size shall be considered **trees**. Replant and landscape **trees** shall be considered a **tree** for the purposes of this article. All palm **trees** other than cabbage palms (sabal palmetto) shall not be considered **trees** for purposes of this article.

Tree survey means a maximum one inch equals 50 feet scale drawing which provides the following information: Location of all **trees** protected under the provisions of this article, plotted by accurate techniques; the common name of all the **trees**; and the dbh of each **tree**.

Trim or prune means to cut away or remove any portion of a plant.

Vehicular use area means and includes all areas used for the circulation, parking, or display of any and all types of vehicles, boats or heavy construction equipment, whether self-propelled or not, and all land upon which vehicles traverse as a function of the primary use. This shall include, but is not limited to, activities of a drive-in nature.

(Ord. No. 90-16, § 2, 2-20-90; Ord. No. 90-59, § 2, 7-24-90; Ord. No. 92-64, arts. III, IV, 10-27-92; Ord. No. 00-67, § 16, 8-29-00)

Cross reference— Definitions generally, [§ 134-2](#).

- **Sec. 166-37. - Intent.**

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Trees and native vegetative communities provide and maintain beneficial public resources; therefore, it is the intent of the board of county commissioners to protect such vegetation as set forth in this article. In addition, it is further the intent of the board of county commissioners to perpetuate adequate **tree** numbers, preserve native vegetative communities, require replanting of vegetation, require landscaping of vehicular use areas, manage undesirable plant material, protect and preserve wildlife and its habitat and provide a **tree** bank fund for furthering this intent.

(Ord. No. 90-16, § 1, 2-20-90; Ord. No. 90-59, § 1, 7-24-90)

- **Sec. 166-38. - Territory embraced.**

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This article shall be effective in the incorporated as well as unincorporated areas of the county; however, to the extent this article conflicts with a municipal ordinance, the municipal ordinance shall prevail.

(Ord. No. 90-16, § 28, 2-20-90; Ord. No. 90-59, § 18, 7-24-90)

Charter reference— Conflicts between county and municipal ordinances, §§ [2.01](#), [2.04](#).

- **Sec. 166-39. - Penalty for violation of article.**

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Whoever shall violate the provisions of this article, as defined pursuant to [section 166-43](#), shall be subject, upon conviction, to punishment as provided in [section 134-8](#). In any prosecution under this article, the violation of any provision of this article will constitute a separate offense for each **tree**. Each separate protected plant removed or trimmed without a permit will also constitute a separate violation. Further, each day of the violation of the provision(s) of this article shall constitute a separate offense. In addition to the sanctions contained in this section, the county may take any other appropriate legal action, including, but not limited to, emergency injunctive action, to enforce the provisions of this article. The county may also seek civil remedies pursuant to Laws of Fla. ch. 90-403, the "Pinellas County Environmental Enforcement Act" (compiled in [ch. 58](#), art. II).

(Ord. No. 90-16, § 20, 2-20-90; Ord. No. 90-59, § 13, 7-24-90; Ord. No. 92-64, art. XIII, 10-27-92)

- **Sec. 166-40. - Appeals.**

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Any persons adversely affected by a decision of the county administrator in the permitting, enforcement or interpretation of any of the terms or provisions of this article may appeal such decision to the board of county commissioners. Such appeal shall be taken by filing written notice with the county administrator, with a copy to the clerk of the board, within 20 days after the decision of the county administrator. Each such appeal shall be accompanied by a payment in sufficient amount to cover the cost of publishing and mailing notices of hearing(s). Failure to file such appeal constitutes acceptance of the permit and any conditions thereof or denial of the application.

(Ord. No. 90-16, § 19, 2-20-90; Ord. No. 90-59, § 12, 7-24-90)

- **Sec. 166-41. - Variances and waivers.**

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The county administrator may, upon appropriate application in writing, vary or waive the terms and provisions of this article in specific cases due to unreasonable hardships, overriding public interest, general public welfare or if the provisions of this article do not apply or are unnecessary.

(Ord. No. 90-16, § 17, 2-20-90)

- **Sec. 166-42. - Emergencies.**

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In case of emergencies, such as hurricane, windstorm, flood, freeze or other disasters, the requirements of this article may be waived by the county administrator, upon finding that such waiver is necessary so that public or private work to restore order in the county will not be impeded.

(Ord. No. 90-16, § 18, 2-20-90)

- **Sec. 166-43. - Liability for violation of article.**

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Whenever a violation of this article occurs or exists, or has occurred or existed, any person, individually or otherwise, who has a legal, beneficial or equitable interest in the facility or instrumentality causing or contributing to the violation, or who has a legal, beneficial or equitable interest in the real property upon which such violation occurs or exists, or has occurred or existed, shall be jointly and severally liable for such violation. This provision shall be construed to impose joint and several liability upon all persons, individually or otherwise, who, although such persons may no longer have any such legal, beneficial or equitable interest in such facility or instrumentality or real property, did have such an interest at any time during which such violation existed or occurred or continued to exist or to occur. This provision shall be liberally construed to protect the public health, safety, and welfare and to accomplish the purposes of this article.

(Ord. No. 90-16, § 24, 2-20-90; Ord. No. 90-59, § 15, 7-24-90)

- **Sec. 166-44. - Civil penalties.**

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In addition to the penalties provided in [section 166-39](#), the board of county commissioners may institute a civil action in a court of competent jurisdiction to recover damages for any degradation, alteration, or elimination of or to the water, soil, natural resources, or animal or plant life of the county caused by a violation of this article. The computation of civil damages will incorporate the expense of restoring the damaged habitat to its previolation condition and function. The civil penalty for violations of this article which consist of **trees** removed, damaged or killed without a permit will be computed using the following criteria:

(1)

Tree valuation. The valuation of **tree**(s) removed, damaged or killed without a permit will be calculated utilizing the following methods:

a.

Inch-for-inch dbh replacement: The replacement of a **tree** with a **tree** or **trees** of the same or similar species in sufficient number so that the sum of the dbh of the replacement **trees** equals or exceeds the dbh of the **tree(s)** that were removed, damaged or killed without a permit. Number of inches of **trees** removed may be determined by surveys, field inspection, aerial interpretation, ground truthing, statistical analysis of **trees** on adjacent properties, and other appropriate methods and criteria.

b.

Values as established by the International Society of Arboriculture, shade **tree** formula.

c.

Other professionally accepted methods.

(2)

Method of payment. The civil penalty for violations of this article will be paid to the county as follows:

a.

Tree replant requirements: The violator must fulfill the **tree** replant requirements for the subject property as specified in the guideline for **tree** replant requirements in [section 166-84](#)(1).

b.

Tree bank fund: Valuation of **trees** as computed in subsection (1) of this section shall be paid to the **tree** bank fund either by the planting of or transference of the appropriate number of **tree** replants or money, or a combination of **tree** replants and money.

(Ord. No. 90-16, § 25, 2-20-90; Ord. No. 90-59, § 16, 7-24-90)

- **Sec. 166-45. - Withholding of certificate of occupancy.**

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The county administrator may withhold the issuance of the required certificate of occupancy, or permits and inspections, on any development permitted under this article until the provisions of this article, including conditions of any permits issued under this article, have been fully met.

(Ord. No. 90-16, § 26, 2-20-90; Ord. No. 90-59, § 17, 7-24-90)

- **Sec. 166-46. - Site plan exemptions.**

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Site plans which were accepted for review by the county prior to March 1, 1990, and which have an active status as determined pursuant to [chapter 138](#) shall not be required to comply with the specific provisions of [section 166-50](#), and [section 166-51](#), provided that:

(1)

Consistency with the comprehensive plan, Ordinance No. 89-69 is maintained.

(2)

When final site plan comments or reports defined pursuant to the zoning ordinance are provided to a site plan applicant, the applicant shall have 90 days in which to revise and resubmit a site plan, in compliance with such comments or reports, to the county for further review. Site plans not revised and received within such 90-day period shall be reviewed for compliance with all the requirements of this article in effect on the date of

resubmittal. When the resubmitted site plan is received within such 90 days, the plan shall be reviewed under the requirements of this article with the exception of the specific requirements of [section 166-50](#) and [section 166-51](#).

(3)

The terms and conditions of subsection (2) of this section shall also apply to preliminary site plans except that the referred 90-day time frame shall be 180 days.

(Ord. No. 90-16, § 31, 2-20-90; Ord. No. 90-59, § 19, 7-24-90)

- **Sec. 166-47. - Ratification of prior regulations.**

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All actions previously taken by the board of county commissioners pursuant to previously enacted rules and regulations are hereby confirmed and ratified.

(Ord. No. 90-16, § 32, 2-20-90)

- **Sec. 166-48. - Interpretation of other laws and regulations.**

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Where other lawful codes, ordinances, regulations or statutory provisions are referenced within this article, such references shall include lawful revisions or amendments thereto which may occur from time to time.

(Ord. No. 90-16, § 34, 2-20-90; Ord. No. 90-59, § 21, 7-24-90)

- **Sec. 166-49. - Vegetation protection during construction.**

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(a)

Placement of solvents, material, construction machinery, or soil. It shall be unlawful for any person engaged in development activity to place solvents, construction material, construction machinery, or temporary soil deposits within six feet or two-thirds of the dripline, whichever is greater, of any **tree** of four inches dbh or greater or within six feet of other protected vegetation as required under the provisions of this article.

(b)

Protective barriers. Prior to land development activity, the owner or his agent shall be required to erect a suitable protective barrier(s) for all protected vegetation and placards, posted on the barricades, indicating the purpose of such barriers and the penalties for unauthorized removal. The protective barrier(s) and placards shall remain erected until such time as they are authorized to be removed by the department or upon completion of final lot grading and placement of final ground cover. Removal of vegetation within the protective barriers shall require approval by the department. Failure to obtain such approval shall be considered a violation of this article. Diagrams of suitable protective barriers and placard(s) shall be available from the department. During construction, no attachments or wires shall be attached to any protected vegetation. Wood, metal or other substantial material shall be utilized in the construction of barriers.

(Ord. No. 90-16, § 7, 2-20-90)

- **Sec. 166-50. - Upland buffers adjacent to wetlands.**

(a)

Purpose. It is the purpose of an upland buffer to further protect wetlands, their associated wildlife and water quality and quantity attributes from adjacent development impacts. Such impacts include siltation, eutrophication, noise, artificial light intrusion and human and domestic animal intrusion. Upland buffers will also provide preservation of upland wildlife habitat.

(b)

Upland buffer requirements. Upland buffers shall be required immediately adjacent to a wetland in accordance with Table I, Standard Upland Buffer Width, or as otherwise specified in this section. The upland buffers shall be required upon submittal of a site plan through the site plan regulations and review procedures of [chapter 138](#). The buffers must be shown on the site plan and must be preserved during site development. Platted single-family lots and sites with development approved through the site plan requirements and review procedures of [chapter 138](#) which received approval prior to adoption of this article shall be exempt from the requirements of this section.

The upland buffer and its associated wetlands shall be recorded in the public records of the county as a conservation easement in accordance with F.S. § 704.06 or created as a conservation easement on the record plat for the development.

Table I. Standard Upland Buffer Width

(1)	Isolated wetlands	15 feet
(2)	Creeks, channels, ditches, canals or other waterways which are not designated as preservation land use areas and which are connected with waters of the state as defined in the Florida Administrative Code	15 feet outside the top of bank or contiguous wetlands, whichever is greater
(3)	County approved retention ponds adjacent to wetlands which provide the intent as described in subsection (a) of this section	15 feet from edge of wetlands to top of bank of retention pond
(4)	All other wetlands	50 feet

(c)

Alternative upland buffer plan. Upon approval of the department, an applicant may reduce the buffer width up to one-third the values in Table I, Standard Upland Buffer Width (e.g., 15 feet reduced to ten feet or 50 feet reduced to 33 feet) by providing additional width of a section of the buffer and correspondingly reduce the buffer width in another section to result in an equivalent or greater square footage.

An applicant may choose to enhance a buffer utilizing additional plant material, topographic changes or other measures in order to reduce the buffer requirement. Such an upland buffer enhancement plan shall be presented to the county administrator for approval and if approved

shall permit the applicant to reduce the buffer width up to one-third the values in Table I, Standard Upland Buffer Widths (e.g., 15 feet reduced to ten feet or 50 feet reduced to 33 feet).

(d)

Activities within upland buffers. In general, the following activities within a buffer shall be prohibited unless a variance or waiver in accordance with [section 166-41](#) has been issued or if such use is approved through the site plan requirements and review procedures of the zoning ordinance. Variances and waivers will be reviewed based on the criteria within [section 166-83](#)(e) and (f).

(1)

Placement of a structure, road or utilities.

(2)

Planting of exotic vegetation.

(3)

Removal of native vegetation, to include mowing or trimming, except as might be required for health, welfare and safety purposes as determined by the county.

(4)

Fill with dirt, topsoil, sand, gravel or other similar material.

(5)

Excavation.

(6)

Maintaining livestock.

(7)

Storage of equipment, supplies, materials, machinery, portable buildings, etc.

(8)

Application of herbicides, pesticides, fertilizers, or chemical agents injurious to vegetation.

Upon issuance of a variance or waiver for any of the above activities within the upland buffer, a permit pursuant to this article shall be issued. Maintenance activities approved by the county administrator of creeks, channels, ditches, canals or other waterways will be allowed within a buffer.

(Ord. No. 90-16, § 9, 2-20-90; Ord. No. 90-59, § 8, 7-24-90; Ord. No. 92-64, art. IX, 10-27-92)

- **Sec. 166-51. - Upland preservation areas.**

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(a)

Purpose. It is the purpose of an upland preservation area to provide for the preservation of viable upland wildlife habitats and representative native vegetative communities. The protection of these areas will help to ensure that adequate feeding, nesting and cover necessary for the continued survival of native wildlife species is available while protecting naturally occurring vegetative communities.

(b)

Criteria. Any site with ten acres or greater of contiguous ownership or under unified development control, shall be required to preserve a minimum of three percent of the upland portion of a parcel as an upland preservation area upon submittal of a site plan through the site plan requirements and review procedures of [chapter 138](#). The upland preservation area must be shown on the plan and must be preserved during site development. The upland preservation area for one or more parcels may be provided on one or more other parcels if all parcels are contiguous and are considered as a single, master planned development under unified control.

Platted single-family lots and sites with development approved through the site plan requirements and review procedures of the zoning ordinance which received approval prior to adoption of this article shall be exempt from the requirements of this section.

The upland preservation area shall be recorded in the public records of the county as a conservation easement in accordance with F.S. § 704.06 or created as a conservation easement on the record plat for the development.

The upland preservation parcel shall be located in a manner which maximizes the contiguity and retention of natural vegetation including understory vegetation. Where wetland vegetation exists and upland buffers are provided, the upland preservation area should, wherever feasible, be required contiguous to the buffer. Upland buffers required pursuant to [section 166-50](#) shall count toward the three percent criteria of this section.

Upon site plan submittal, the department shall inspect the parcel and, utilizing the criteria of [section 166-83](#)(e) and (f), evaluate the upland native vegetation communities of the site. If the vegetation is determined to be of good quality, the applicant shall provide the three percent in accordance with this section. However, if the department determines the vegetation is of poor quality, the applicant shall have two alternatives:

(1)

Enhancement: The upland preservation area shall be planted with one replant **tree** per 400 square feet and ground cover on three-foot centers; such plan shall be submitted for approval to the county administrator; or

(2)

Tree bank fund donation: A monetary donation shall be made to the **tree** bank fund defined within [section 166-57](#), in an amount equal to three percent of the subject property value utilizing its current market value established by the county property appraiser.

(Ord. No. 90-16, § 10, 2-20-90; Ord. No. 90-59, § 9, 7-24-90; Ord. No. 99-66, § 22, 7-20-99)

- **Sec. 166-52. - Protection of endangered, threatened, or species of special concern.**

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Upon field review of the site plan and determination that a site contains plant or animal species which are endangered, threatened or species of special concern, the applicant shall obtain and submit to the county administrator written comments and recommendations concerning the impact of the proposed use on such species from the appropriate agency such as the state game and freshwater fish commission, the United States Fish and Wildlife Service or the state department of agriculture and consumer services. The county administrator may utilize this information as a basis to require additional preservation area or to determine the degree of development activity allowed.

(Ord. No. 90-16, § 11, 2-20-90; Ord. No. 92-64, art. X, 10-27-92)

- **Sec. 166-53. - Undesirable plant species.**

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The exotic plant species listed as follows are considered undesirable vegetation due to their growth characteristics, which often result in human health problems and elimination of habitat for more desirable native vegetative species:

(1)

Every site on which development occurs shall, to the most reasonable extent possible, be cleared of the following species as a condition of permitting pursuant to this article. Where the removal is to a degree that a potential for erosion is created, the area must be restabilized. Effective removal of these **trees**, however, shall not require a permit pursuant to this article except in designated conservation easements and wetlands regulated under F.S. chs. 373 and 403, in which case a removal plan must be approved by the department.

Common name	Botanical name
Punk tree	Melaleuca quinquenervia
Brazilian pepper	Schinus terebinthifolius
Chinese tallow	Sapium sebiferum

(2)

To encourage the removal of and replacement with more desirable native species, no fees will be applied when obtaining permits to remove the following **tree** species:

Common name	Botanical name
Australian pine	Casuarina spp.
Citrus	Citrus spp.
Silk oak	Grevillea robusta

Ear tree	Enterolobium contortisiliquum
Java plum	Syzygium cumini
Carrotwood	Cupaniopsis anacardioides
Eucalyptus	Eucalyptus spp.
Chinaberry	Melia azedarach

(Ord. No. 90-16, § 12, 2-20-90; Ord. No. 90-59, § 10, 7-24-90; Ord. No. 92-64, art. XI, 10-27-92)

- **Sec. 166-54. - Removal of trees from public right-of-way.**

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No trees shall be removed from a public right-of-way under the management of the county administrator without a valid permit or the county administrator's authorization.

(Ord. No. 90-16, § 13, 2-20-90)

- **Sec. 166-55. - Minimum landscape requirements for vehicular use areas.**

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All site plans which propose vehicular use areas with more than three parking spaces, other than single-family residences, shall conform to the minimum landscaping requirements defined in this section. Trees planted in conformance with this section may count toward the tree replant requirements of [section 166-84](#)(1) and may be required to adhere to special design criteria specified within [section 166-84](#)(2). All requirements of this section shall be included as a condition of the granting of a permit under this article. In instances where healthy plant material exists on a site prior to its development, in part or in whole, for purposes of off-street parking or other vehicular use areas, the county administrator shall adjust the application of the following standards to allow credit for such plant material if such an adjustment is in keeping with and will preserve the intent of this section:

(1)

Perimeter landscaping. The exterior perimeters of all vehicular use areas shall be landscaped with a strip of land which is at least three feet in width. Where this three-foot landscape strip is adjacent to residentially zoned property or public right-of-way, a hedge shall be installed which at time of planting shall be 24 inches in height

and planted 24 to 30 inches on center and allowed to grow to and be maintained at a minimum height of three feet.

(2)

Landscape trees. An area equal to ten percent of the total vehicular use areas shall be devoted to landscape open space for planting of landscape trees. There shall be a minimum of one landscape tree for each 200 square feet or fraction thereof of required landscape open space. Each landscape tree shall be planted within a minimum five-foot by ten-foot open space planter with suitable ground cover. Landscape trees shall be located, wherever possible, to avoid underground and overhead utilities. These open space planters shall be located at the perimeter and interior of the vehicular use areas to most effectively relieve the monotony of large expanses of paving and contribute to the orderly circulation of vehicular and pedestrian traffic. Such planters may be constructed through the deletion of paving or asphalt behind the wheel stops, bumper stops or curb.

(3)

Protection of landscaping. Vehicular use landscaping shall be protected by appropriate wheel stops, bumper stops or curbs, located in a manner which prevents vehicular encroachment and overhang into landscape material.

(4)

Vehicular use landscape plan approval. The developer must submit for approval to the county administrator a combination site plan-planting plan, referred to in this article as a vehicular use landscape plan. The use of xeriscape design shall be utilized for 50 percent of the required landscape areas. Such design should include low-maintenance design, low-volume irrigation, use of mulch ground cover, use of drought-tolerant and cold-hardy plant material, soil augmentation, and limited use of turf, and allow for low-maintenance practices.

The vehicular use landscape plan shall be submitted as part of normal site plan review required by [chapter 138](#) and shall contain the following information: The name, address and telephone number of the owner and designer; such plan shall be drawn to suitable scale, indicate all dimensions and property lines, north point, clearly delineated existing and proposed easements, utility lines, parking spaces, access aisles, driveways, sidewalks, wheel stops, curbs and other vehicular use controls; the location of curb cuts on adjacent property, median openings on abutting streets, lighting, irrigation system, proposed planting areas, decorative or screen walls, existing trees and related buildings; planting areas must indicate the quantity, spacing, size and name of proposed plant material.

(5)

Irrigation requirements. Irrigation systems shall utilize low volume design such as low-trajectory heads or soaker hoses to provide direct application and low evaporation and must have a rain sensor device or switch which will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred. Water supply shall be piped to each individual planter island, and in no case shall any planted vegetation area required pursuant to this section be more than 50 feet from a water supply hose bib. Shallow wells, open surface water bodies or reclaimed water shall be used unless unavailable as a source of irrigation water.

The following vegetated areas shall be exempt from the above irrigation requirements:

a.

Existing plant communities and ecosystems, maintained in a natural state, which do not require irrigation water shall not have any additional irrigation water added in any form.

b.

Native plant areas which are supplements to an existing plant community or newly installed by the developer may initially require additional water to become established. Irrigation water required during this establishment period

shall be applied from a temporary irrigation system, a water truck, or by hand watering from a standard hose bib source. Such temporary source of irrigation water shall be specified on the approved landscape plan.

(6)

Sight distance restrictions at intersections. All landscape plant material shall be planted in accordance with sight distance restrictions determined by the department of public works and utilities.

(Ord. No. 90-16, § 14, 2-20-90; Ord. No. 90-59, § 11, 7-24-90; Ord. No. 92-64, art. XII, 10-27-92)

- **Sec. 166-56. - Vegetation installation and maintenance.**

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All vegetation planted in conformance with this article shall be installed in acceptance with good planting procedures as prescribed by the American Society of Landscape Architects, or other professional horticultural and arboricultural association. Landscape or replant **trees** and other required plant material shall be maintained in healthy growing condition or shall be promptly replaced within 30 days. Top pruning or other severe pruning or maintenance practices or of required plant materials that result in stunted, abnormal, or other unreasonable deviation from their normal healthy growth shall be considered as the destruction of these materials and replacement shall be required as described in this section. Failure of the owner of the property to maintain the premises in good condition, as set forth in this section, shall make him liable for the penalties as set forth by this article.

(Ord. No. 90-16, § 15, 2-20-90; Ord. No. 97-53, § 1, 7-1-97; Ord. No. 98-97, § 10, 11-17-98)

- **Sec. 166-57. - **Tree** bank fund.**

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(a)

Creation; purpose. There is hereby created the county **tree** bank fund for the purpose of:

(1)

Acquiring, protecting, and maintaining native vegetative communities in the county;

(2)

Acquiring, protecting, and maintaining land for the placement of **trees** acquired pursuant to this section;

(3)

Purchasing vegetation for placement on public properties in the county and their maintenance; and

(4)

Mitigating the impact of any damage from violations of this article.

(b)

Maintenance of fund. Moneys of the **tree** bank fund may be used as a matching fund contribution towards the acquisition of native vegetative communities in the county in association with other public land acquisition programs. Such **tree** bank fund shall be kept, maintained and identified by the board of county commissioners solely for the purposes set forth in this section. The county finance director is hereby authorized to establish the **tree** bank fund and to receive and disburse moneys in accordance with the provisions of this section.

(c)

Source of moneys. The tree bank fund shall consist of the following moneys:

(1)

All moneys collected by the county administrator pursuant to the provisions of this article which are obtained through civil action and consent agreements.

(2)

All moneys offered to and accepted by the county for the tree bank fund in the form of federal, state, or other governmental grants, allocations or appropriations, as well as foundation or private grants and donations.

(3)

Contributions in lieu of, or in conjunction with, the replacement planting provisions of [section 166-84](#). The county administrator shall collect funds designated for the tree bank fund when the replacement planting requirements of [section 166-84](#) cannot be met.

(4)

All county revenue generated from tree thinning or other ecologically beneficial tree removal activities occurring within Pinellas County.

(d)

Interest. Unless otherwise restricted by the terms and conditions of a particular grant, gift, appropriation or allocation, all interest earned by the investment of all moneys in the tree bank fund shall accrue to the fund and shall be disbursed for any project authorized consistent with this section. Tree bank fund moneys shall be invested only in accordance with the laws pertaining to the investment of county funds.

(e)

Effect on permitting. Decisions to grant or deny permits provided for by this article shall be made without consideration of the existence of the tree bank fund or offers of donations of moneys thereto.

(Ord. No. 90-16, §§ 22, 23, 2-20-90; Ord. No. 90-59, § 14, 7-24-90; Ord. No. 15-26, § 1, 6-23-15)

- **Secs. 166-58—166-80. - Reserved.**

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- **DIVISION 2. - PERMITS**

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- **Sec. 166-81. - General permit/application provisions.**

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On any developed or undeveloped site, any person wishing to conduct development activity, remove, effectively remove, or relocate a tree with a trunk diameter of four-inch dbh or greater; remove vegetation in an upland buffer or upland preservation area; perform preliminary land clearing or grubbing; remove, trim or prune wetlands, specimen tree(s), specimen tree stand(s) or historic tree(s); or conduct any activity which may have a detrimental effect on protected vegetation as defined under the provisions of this article, shall make application

and obtain a permit as required under the provisions of this article. Failure to obtain a permit shall be a violation of this article.

(Ord. No. 90-16, § 3, 2-20-90; Ord. No. 90-59, § 3, 7-24-90)

- **Sec. 166-82. - Special permit/application provisions.**

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(a)

Grubbing. Upon application, review and issuance of a permit, grubbing shall be permitted when a preliminary site plan as required pursuant to [chapter 138](#) has been submitted and the physical condition of the proposed development site does not permit the preparation of a **tree** survey as defined in this article, or does not permit the preparation of a topographical survey, and all other provisions of this article have been adhered to. An aerial map of suitable quality (maximum one inch equals 200 feet scale) of the property will be required before grubbing will be authorized.

(b)

Preliminary land clearing. Upon application, review and issuance of a permit, preliminary land clearing shall be permitted within designated road rights-of-way, drainage and other utility areas as depicted on a preliminary site plan, as required pursuant to [chapter 138](#). The departments of environmental management, engineering, building, sewer, water and zoning must have no objection to the issuance of such permits and must require no revisions or alterations to the site plan which would change the size or location of buildings, parking, utility lines, topographic elevations, and other relevant elements which could result in substantial changes to the remaining protected vegetation.

(c)

Wetland vegetation. All mangroves and other wetlands, regardless of size, are recognized to be of special ecological value. No wetland vegetation shall be removed, trimmed, pruned, chemically treated, filled upon or altered without a permit or exemption. Guidelines for trimming or pruning of mangroves shall be available from the department.

(1)

Where wetlands are approved for removal by a permit which was issued by the county water and navigation control authority, a permit under the provisions of this article pertaining to those wetlands shall not be required. However, wetlands removal not authorized by the water and navigation control authority permit, and otherwise subject to the county's jurisdiction, shall be subject to enforcement action under the provisions of this article.

(2)

Due to the vegetative characteristics of these plant communities, wetlands will be exempted from the **tree** survey requirements, except that they shall be designated by name and their boundary surveyed.

(3)

Applicants must provide compensation for all regulated wetland impacts and must demonstrate that the proposed compensation measures are consistent with the county's intent to protect and manage fish, wildlife and hydrologic features. All compensation required shall provide for equivalent habitat value to the wetland system destroyed.

(d)

*Specimen **tree**/specimen **tree** stands and historic **trees**.* It shall be unlawful to remove, trim, prune or alter a specimen **tree**, specimen **tree** stand or historic **tree** which has been designated as such under the provisions of this article without a permit issued under this article.

(Ord. No. 90-16, § 4, 2-20-90; Ord. No. 90-59, § 4, 7-24-90; Ord. No. 92-64, art. V, 10-27-92; Ord. No. 97-53, § 2, 7-1-97)

- **Sec. 166-83. - Applications.**

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(a)

Procedure. Application for a permit under this article shall be made by filing a written permit application with the department and paying such fee as is established by the board of county commissioners as necessary to cover the costs of processing the application. The department shall provide permit application forms which shall be used by permit applicants. The applicant, if not the owner of the property, must submit a written authorization from the owner of the property authorizing the applicant to sign the application.

(1)

Any information required on the application which is not submitted may delay the issuance of permits. Applications must be submitted in advance of anticipated permit issuance to allow for the department's review time and scheduling. Applications shall be field verified. The county administrator may request a recommendation concerning the application from any or all appropriate county departments. No permit will be issued until a plan for the site has been approved by the county administrator.

(2)

Every applicant is encouraged to request at any time to meet with the department to discuss, in good faith, any possible application of this article to any proposed development activity, so as to minimize delay and uncertainty in the permitting process and give the applicant the most accurate possible idea as to the practical impact of this article on the proposed development activity.

(b)

Information required. The applicant shall submit the following information utilizing a maximum one inch equals 50 feet scale drawing to allow the determination of matters required under this article:

(1)

The shape and dimensions of the lot or parcel, together with the existing and proposed locations of structures and improvements, if any.

(2)

If existing **trees** are to be transplanted, the proposed new location for such **trees**, together with a statement as to how such **trees** are to be protected during land clearing and construction.

(3)

A statement and drawing showing how vegetation not proposed for removal or relocation is to be protected during land clearing and construction, i.e., a diagram and notation of a protective barrier as defined in this article.

(4)

Locations and dimensions of all setbacks and easements required by [chapter 138](#).

(5)

A topographical survey sealed by a registered engineer or surveyor indicating grade changes proposed for the site, except when the grade changes are limited to beneath the floor area of the dwelling unit.

(6)

The location of all **trees**, historic **trees**, specimen **trees**, specimen **tree** stands, wetlands, native vegetative communities, buffers or upland preservation areas which are on or within ten feet of the site being developed. Vegetation proposed to remain, to be transplanted or to be removed shall be identified. Areas designated as preservation on the comprehensive land use plan which are within 50 feet of the site must also be shown where applicable.

(7)

All proposed replants of **trees** or other vegetation, by species and size, along with the type of ground cover to be installed.

(c)

Additional application requirements for site plans. Sites requiring site plan approval as required by [chapter 138](#) shall submit a survey sealed by a registered engineer or registered surveyor, which shows the information required in subsections (b)(1)—(7) of this section, and an aerial of suitable quality (maximum one inch equals 200 feet scale), to facilitate application review. A **tree** survey will be required on all areas for which permit authorization is being requested other than areas previously approved.

(d)

Application information waiver. In the event that there are no **trees** or vegetation located on or within ten feet of preservation areas within 50 feet of the site to be developed which are required to be protected under the provisions of this article, the applicant shall so state in his application for a permit.

(e)

Permit/application evaluation criteria. The county administrator shall consider the potential for significant adverse impacts in the following areas on the urban and natural environment in granting a permit and meeting the other provisions of this article:

(1)

Groundwater and surface water stabilization: Whether the removal of **trees** or other protected vegetation will substantially alter the water table adversely or water assimilation and transpiration by vegetation or the interception of solar radiation as it affects the evaporation potential of associated soils and bodies of water.

(2)

Water quality and/or aquifer recharge: Whether the removal of **trees** or other protected vegetation will lessen the ability for the natural assimilation of nutrients, chemical pollutants, heavy metals, silt and other noxious substances from groundwaters and surface waters.

(3)

Ecological impacts: Whether the removal of **trees** or other protected vegetation will have an adverse impact upon existing biological and ecological systems, microclimatic conditions which directly affect these systems, or whether such removals will create conditions which may adversely affect the interrelationships of ecological systems.

(4)

Noise pollution: Whether the removal of **trees** or other protected vegetation will significantly increase ambient noise levels to the degree that a nuisance is anticipated to occur or that a violation of [chapter 58](#), article XII is anticipated to occur.

(5)

Air movement: Whether the removal of **trees** or other protected vegetation will significantly reduce the ability of the remaining vegetation to reduce wind velocities to the degree that a nuisance is anticipated to occur.

(6)

Air quality: Whether the removal of trees or other protected vegetation will significantly affect the natural cleaning of the atmosphere by vegetation through particulate matter interception or the release of oxygen to the atmosphere as a byproduct of photosynthesis.

(7)

Wildlife habitat: Whether the removal of trees or other protected vegetation will significantly reduce available habitat for wildlife existence and reproduction, or result in the emigration of wildlife from adjacent or associated ecosystems.

(8)

Aesthetic degradation: Whether the removal of trees or other protected vegetation will have an adverse affect on property values in the neighborhood where the applicant's property is located and other existing vegetation in the vicinity.

(9)

Comprehensive plan: Whether the removal of trees or other protected vegetation is consistent with the comprehensive plan and level of service standards provided therein.

(10)

Endangered, threatened and species of special concern: Whether the removal of trees or other protected vegetation will significantly affect endangered, threatened, or species of special concern when reasonable scientific judgment indicates that the trees or vegetation provide a function including but not limited to nesting, reproduction, critical food source, critical habitat or cover for such species or whether the vegetation itself is endangered, threatened, or a species of special concern.

(11)

Soil stabilization: Whether the removal of trees or other protected vegetation will result in uncontrollable erosion of soils into surface waters, or adjacent properties. For sites one acre or larger a habitat management permit will not be issued until/unless a Generic Permit Notice Of Intent (NOI) DEP Form 62-621.300(4)(b), or as amended, as is required pursuant to NPDES—Phase II is submitted as part of the permit/application process.

(f)

Additional criteria; conditions. The above evaluation criteria shall be balanced against the following conditions to determine if the county administrator shall issue a permit for vegetation removal or relocation. However, should no significant adverse impact be determined using the above criteria, and if one or more of the following conditions exist, the county administrator shall issue the permit:

(1)

The vegetation is located in an area where a structure or improvements may be placed according to an approved site plan and to preserve the vegetation would unreasonably restrict the economic enjoyment of the property, and the vegetation cannot be relocated on or off the site because of age, type, or size;

(2)

The vegetation is diseased, injured, too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision clearance, or conflicts with other ordinances or regulations; or

(3)

It is in the welfare of the general public or citizens that the vegetation be removed for a reasons other than set forth above.

(g)

Permit/application denial. The county administrator, upon a determination that an application for a permit under this article is to be denied, shall state the basis for such denial specifically and shall notify the applicant of the criteria outlined in subsections (e) and (f) of this section upon which such denial is predicated.

(Ord. No. 90-16, § 5, 2-20-90; Ord. No. 90-59, § 5, 7-24-90; Ord. No. 92-64, arts. VI, VII, 10-27-92; Ord. No. 03-24, § 19, 4-15-03)

• **Sec. 166-84. - Permit conditions.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)

The county administrator may specify any or all of the following conditions to a permit provided that the conditions further the intent of this article:

(1)

Tree replant requirements. As a condition of the granting of a permit and regardless of the number of trees permitted for removal, the applicant will be required to relocate the trees being removed where practical, be required to replace the trees up to a maximum of inch-for-inch or be required to meet the tree replant requirement utilizing the table provided below. The actual number of tree replants shall also be determined based upon replant tree size and species, location of planting, existing trees on or near the site, open space availability, the guideline for tree replant requirements table and the requirements of other county ordinances and regulations.

Guideline for Tree Replant Requirements

Parcel size in square footage	Number of replants
3,500— 6,000	2
6,001— 9,500	4
9,501—16,000	6
Over 16,000 (per 16,000 sq. ft. unit)	8

An approved species list of replant trees will be available from the department. Replant trees species shall be compatible with soil conditions. All required replant trees must be maintained in good condition and planted in locations with adequate open space to allow mature tree canopy development. Each replant tree shall be planted within a minimum five-foot by ten-foot open space planter. Wherever possible, replant trees shall be located to avoid underground and overhead utilities.

Existing trees on-site which meet the minimum standards of a replant tree in terms of size, species, quality and location will count toward the replant requirements. However, trees within buffers, upland preservation areas or wetlands shall not count toward the replant requirement. Failure to plant or maintain required replant trees in good condition will be a violation of this article on a per tree basis.

(2)

Special design criteria. As a condition of granting a permit, the applicant may be required to provide special construction techniques and designs to increase oxygen exchange and water and nutrient availability to a tree such as but not limited to tree wells, turf or paving block, aeration systems and stem walls.

(3)

Tree donation. Where a tree is to be removed under the provisions of this article, the county shall have the option, with the owner's permission, of relocating the tree at the county's expense and at no liability to the owner to county-owned property for replanting, either for permanent utilization at a new location or for future use at other county property. Such relocation shall be accomplished in accordance with a schedule agreed upon by all parties. If the county does not elect to relocate any such tree, it may give to any city within the county the right to acquire any such tree at the city's expense and at no liability to the owner for relocation within the city's incorporated area for public use.

(4)

Erosion control. Silt barriers, hay bales, or similar erosion control barriers will be required in any area where erosion or siltation may cause protected vegetation to be damaged.

(Ord. No. 90-16, § 6, 2-20-90; Ord. No. 90-59, § 6, 7-24-90; Ord. No. 92-64, art. VIII, 10-27-92)

- **Sec. 166-85. - Betterment plans.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)

Applicants for permits under this article shall be entitled to demonstrate by means of a landscape/vegetation plan known as a "betterment plan" that an improvement or betterment of the environment can be accomplished over the existing vegetation given that the development is undergoing site plan review in accordance with [chapter 138](#). If such a detailed plan is so offered and is accepted by the county administrator, the applicant's permit shall require the faithful adherence and completion of such plan.

(Ord. No. 90-16, § 8, 2-20-90; Ord. No. 90-59, § 7, 7-24-90)

- **Sec. 166-86. - Expiration.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)

Permits under this article shall be declared expired if commencement of work so permitted is not started within three months. In no case will the permit remain valid unless construction activity is continuous and uninterrupted for no more than 60 days. Permits not used within this period will expire, and future work will require a new application and permit.

(Ord. No. 90-16, § 16, 2-20-90)

- **Sec. 166-87. - Revocation.**

(a)

The county administrator may revoke any permit issued pursuant to this article for fraud, misrepresentation or violation of conditions imposed pursuant to the permit, or other good cause. In the event the county administrator chooses to revoke a permit, written notice of the intent of the county administrator to revoke such permit shall be provided to the applicant, setting forth the specific reasons for the revocation. The applicant shall have the right to appear before the county administrator at a time and date specified in such notice to show cause why the permit issued to the applicant should not be revoked.

(b)

If the county administrator determines to revoke a permit issued pursuant to this article, after the notice procedure as provided in subsection (a) of this section, the applicant shall immediately cease all exterior work on the site. The applicant shall have the right to appear before the board of county commissioners, in accordance with [section 166-40](#), to show cause why the permit issued to the applicant should not be reinstated.

(Ord. No. 90-16, § 21, 2-20-90)

- **Sec. 166-88. - Cease and desist orders.**

The county administrator may issue a cease and desist order for any permit issued pursuant to this article for fraud, misrepresentation, or violation of conditions imposed pursuant to the permit, or other good cause, or for any site where work has commenced and a permit has not been obtained but is required pursuant to this article. Any person receiving such an order for cessation of operations shall immediately comply with the requirements thereof. It shall be a violation of this article for any person to fail to or refuse to comply with a cease and desist order issued and served under the provisions of this section.

(Ord. No. 90-16, § 22, 2-20-90)

- **Sec. 166-89. - Plan preparation.**

Plan submitted for review to satisfy the requirements of this chapter must be prepared by individuals as authorized by F.S. ch. 481.

(Ord. No. 97-53, § 3, 7-1-97)

- **Secs. 166-90—166-95. - Reserved.**

Hillsborough County

Grand Oak Regulations

Grand Oaks deserve special attention when being pruned or removed. When a tree reaches Grand Oak status, it's one of the largest and oldest specimens of its kind in our area, and it has withstood decades of development, deforestation, windstorms and hurricanes, to prove that it is one of the hardiest and sturdiest trees of its species.

What is a Grand Oak?

The following features determine whether a tree is considered a Grand Oak:

- Belongs to the genus *Quercus*
- Trunk measures at least 34 inches diameter at breast height (DBH – measured at 4.5 feet above grade)
- Has a tree condition rating of good or better according to the [tree condition evaluation form](#)
- Trunk circumference, height and crown measurements must total a minimum of 175 points in accordance to the tree point system methodology

Tree Point System

The Tree Point System classifies the significance of a tree through three measurements of the tree's anatomy and gives a point value for each measurement:

- 1 point per inch is allotted for the tree trunk circumference to the nearest inch measured at 4.5 feet above grade
- 1 point per foot is allotted for the tree's overall height
- 1 point per 4 feet is allotted for the crown spread to the nearest foot, averaging a measurement of the longest and shortest dimension of the tree's canopy

Removal and Replacement

- You must preserve all trees identified as Grand Oaks unless we authorize their removal. This provision does not apply for a Grand Oak located in:
 - road site distances
 - recovery and maintenance areas
 - unless our Engineers find that a Grand Oak may be preserved in these areas
- You must replace a Grand Oak, if we authorized removal using the following replacement guides:
 - 34" < 48" DBH = 1:1
 - 48" < 60" DBH = 1.5:1
 - 60" DBH and greater = 2:1

- This replacement requirement, however, will not apply if we determine that removal will cause damage to public or private property with no other remedy
- Replacement of a Grand Oak for these situations doesn't exceed 20% of the DBH trunk diameter unless we determine a lesser amount is appropriate

Pruning

- Unless you are doing minor pruning (3" or less), you must have the work done by an Arborist certified by the International Society of Arboriculture (ISA) or a Registered Consulting Arborist with the American Society of Consulting Arborists (ASCA)
 - Minor Pruning means removing branches measuring no greater than 3" in diameter at the point of connection to a supporting branch
- Prior to the pruning, you must submit a notarized affidavit affirming that a certified or registered arborist will conduct or supervise the pruning on-site
- The arborist you contract will assume full responsibility for all pruning activities

Resources

- [Grand Oak regulations](#)
- [Grand Oak - tree condition evaluation form](#)
- [Grand Oak point system and condition evaluation form](#)
- [Grand Oak pruning affidavit](#)
- [Grand Oak pruning affidavit - SFD](#)
- [No Grand Oak affidavit](#)



Legislation Details (With Text)

File #: 18-0354 **Version:** 1 **Name:**
Type: Discussion Items **Status:** General Agenda
File created: 1/4/2019 **In control:** Park & Tree Board
On agenda: 1/8/2019 **Final action:**
Title: Construction schedule of Tackett Park
Sponsors:
Indexes:
Code sections:
Attachments: [Tackett Park Landscape Plan](#)
[PROJECT TIMELINE 1.4.19](#)

Date	Ver.	Action By	Action	Result
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Summary

To: Park and Tree board Members
From: Ricky Allison, Recreation and Public Works Director
Date: 1/8/2019

Subject:

Construction schedule of Tackett Park

Summary:

Construction has begun at Tackett Park to turn the once unused retention pond area into a newly renovated memorial Park dedicated to Jeffery Tackett who lost his life in the line of duty. Mike Shumaker will be updating the Board on the remaining construction schedule, proposed grand opening and discussion of the Police Memorial.

Previous Commission Action: Commission has approved both the dedication of the parks to Jeffery Tackett and the funds to redevelop the park to become a memorial in his honor.

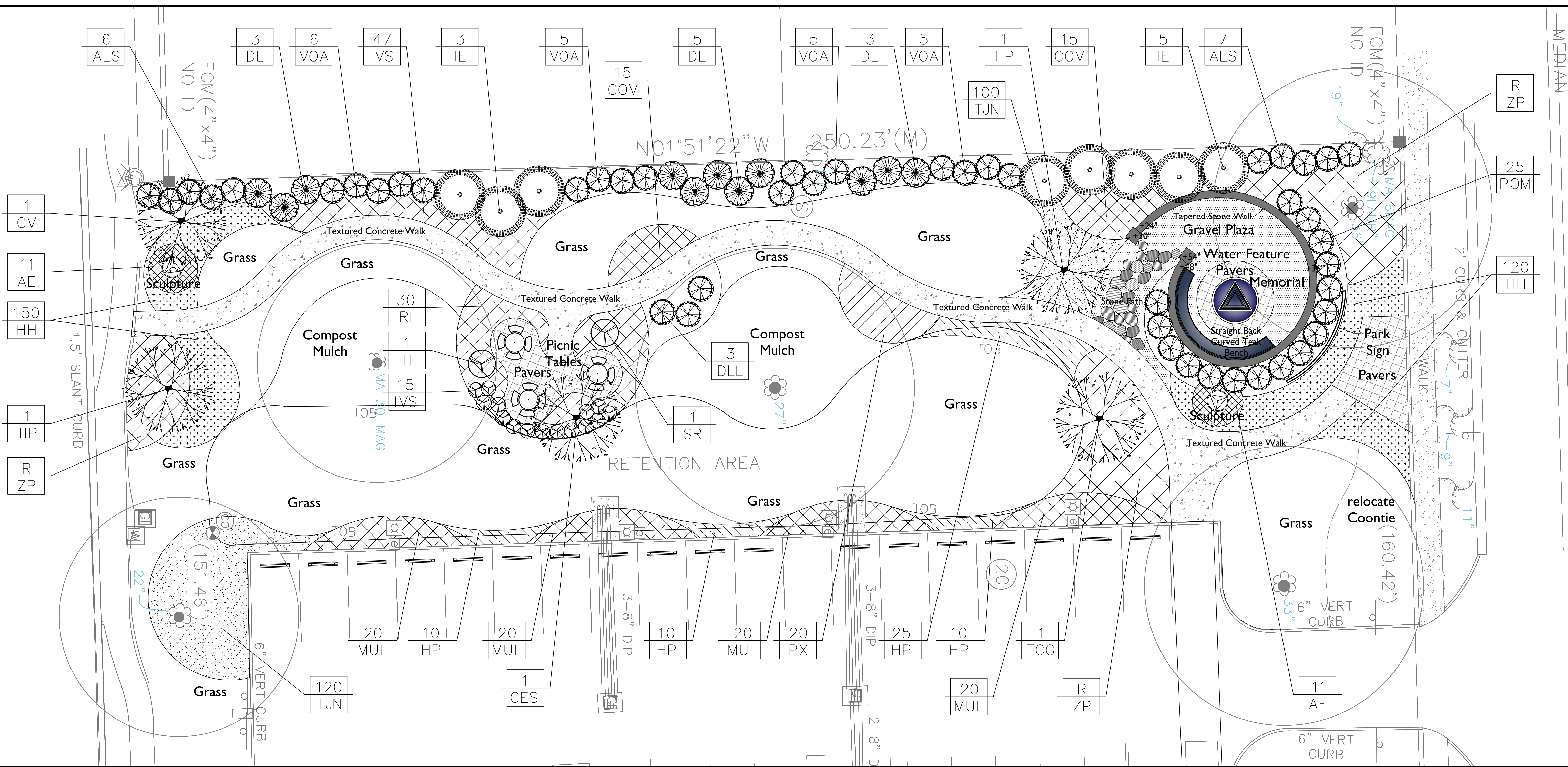
Background/Problem Discussion: N/A

Expenditure Challenges The final budget has yet to be determined as we are waiting for procurement to be finalized but total budget identified by the commission has been \$48,000.

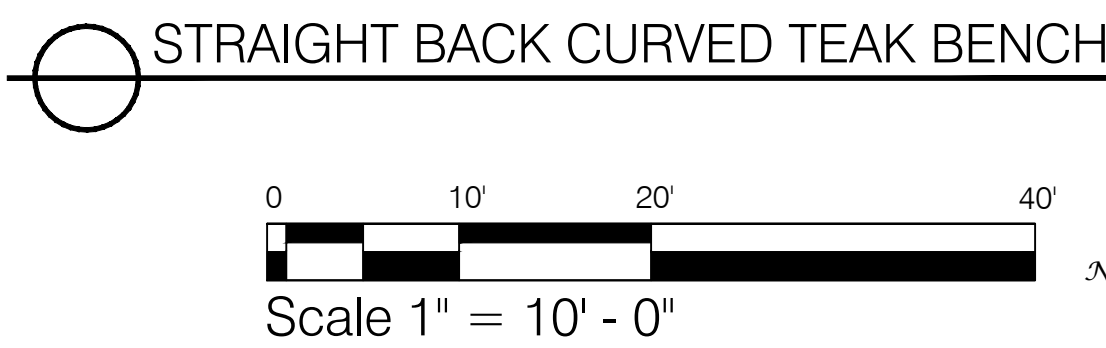
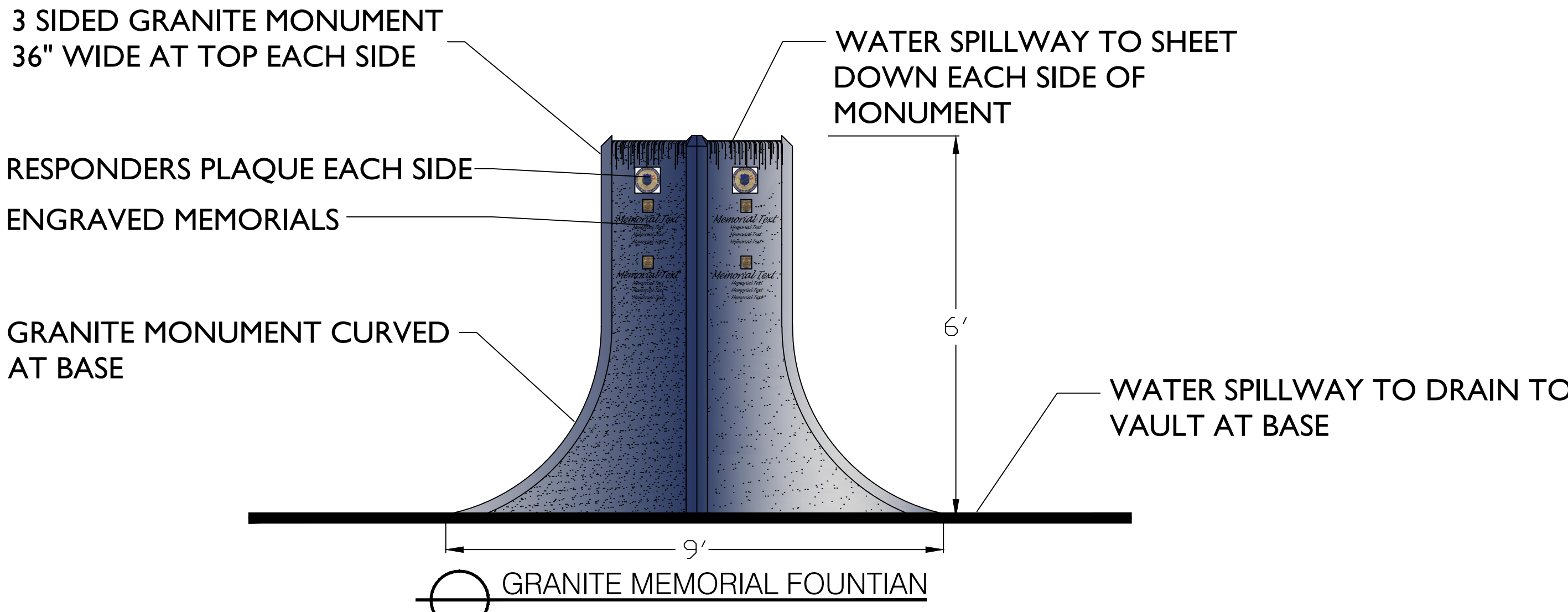
Financial Implications: N/A

Recommendation: N/A

Proposed Motion N/A



Plant Materials Schedule				
Quant.	Code	Botanical Name	Common Name	Specification
TREES:				
1	CES	Conocarpus erectus	Silver Buttonwood	6" ht. x 30" spr.
1	CV	Chionanthus virginicus	White Fringe Tree	6" ht. x 30" spr.
8	IE	Ilex opaca Eagleston	Eagleston Holly	6" ht. x 30" spr.
1	TCG	Tabebuia chrysotricha	Gold Trumpet Tree	8" ht. x 48" spr., 3" cal.
2	TIP	Tabebuia impetiginosa	Purple Trumpet Tree	8" ht. x 48" spr., 3" cal.
SHRUBS: Minimum 3 gal. container				
22	AE	Aspidistra elatior	Cast Iron Plant	3 gal., 18" ht. x 18" spr.
13	ALS	Alpinia zerumbet	Shell Ginger	3 gal., 20" ht. x 20" spr.
30	COV	Codiaeum variegatum	Croton	3 gal., 18" ht. x 18" spr.
11	DL	Dyopsis lutescens	Areca Palm	15 gal., 5' ht. x 30" spr.
3	DLL	Dracaena spp.	Lemon Lime Dracaena	3 gal., 20" ht. x 20" spr.
55	HP	Hamelia patens	Dwarf Fire Bush	3 gal., 18" ht. x 18" spr.
65	IVS	Ilex vomitoria shillings	Dwarf Yaupon Holly	3 gal., 14" ht. x 14" spr.
80	MUL	Muhlenbergia capillaris	Pink Muhly Grass	3 gal., 20" ht. x 20" spr.
25	POM	Podocarpus spp.	Podocarpus	7 gal., 36" ht. x 24" spr.
20	PX	Philodendron Xanadu	Xanadu Philodendron	3 gal., 18" ht. x 18" spr.
30	RI	Rhaphiolepis indica	Indian Hawthorn	3 gal., 20" ht. x 20" spr.
1	SR	Streptocarpus reginae	Orange Bird of Paradise	15 gal., 36" ht. x 36" spr.
1	TI	Cordyline fruticosa	TI Plant	7 gal., 36" ht. x 24" spr.
21	VOA	Viburnum awabuki	Awabuki Viburnum	10 gal., 48" ht. x 24" spr.
	ZP	Zamia pumila	Coontie	relocate existing
GROUND COVER:				
270	HH	Hedera helix	Var. Algerian Ivy	1 gal., 12" ht. x 12" spr.
220	TJN	Trachelospermum asiaticum	Dwarf Conf. Jas.	1 gal., 6" ht. x 12" spr.



LANDSCAPE DEVELOPMENT PLAN

TACKETT PARK

Town of Belleair, Florida

copleydesign@gmail.com
www.copleydesign.org

COPLEY
DESIGN ASSOCIATES, INC.

Clearwater, Florida
727 787-2840
Streetsboro, Ohio
330 474-7776

Issue Date: 05.01.18
Project: TACKETT PARK
Design: RDC
Copyright: 2018

Revised: D. Copley
Reviewed: RDC
Florida LA0001483

JOB NO. 18003

SHEET
1 - 1

TACKETT PARK PROJECT TIMELINE

Phase/Task	Start Date	End Date	Duration
PROCUREMENT	11/19/2018	1/28/2019	47
EXCAVATION	1/7/2019	1/25/2019	15
Tree removal, leveling, topsoil work,			
CONCRETE WORK	2/4/2019	2/22/2019	15
MEP/FINISHES	1/17/2019	3/2/2019	12
Mechanical, Electrical, Plumbing, Plantings			
FOUNTAIN	2/18/2019	3/1/2019	20
PROJECT CLOSEOUT	3/4/2019	3/22/2019	15